

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARLOS SANCHEZ,

Plaintiff,

-v-

9:17-CV-1007
(DNH/DEP)

MICHAEL DEGROTE, Correctional Officer;
Eastern NY Correctional Facility formerly known
as Degrot,

Defendant.

APPEARANCES:

CARLOS SANCHEZ
05-A-6204
Eastern NY Correctional Facility
Box 338
Napanoch, NY 12458

HON. LETITIA JAMES
Attorney General for the State of New York
Attorney for Defendant
The Capitol
Albany, NY 12224

BRIAN W. MATULA, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Carlos Sanchez brought this civil rights action pursuant to 42 U.S.C. § 1983. On November 8, 2018, the Honorable David E. Peebles, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion to dismiss for failure to exhaust available administrative remedies prior to commencing suit be granted and that

plaintiff's amended complaint be dismissed in its entirety. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

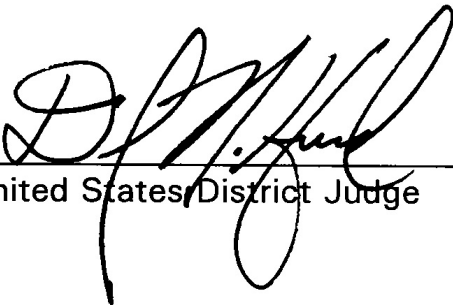
Therefore, it is

ORDERED that

1. Defendants' motion to dismiss for failure to exhaust is GRANTED; and
2. Plaintiff's amended complaint is DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: February 13, 2019
Utica, New York.